

Index File

Application No. UP-702-06

John M. Engbersen Et ux

Application No. UP-702-06 is a request for a Special Use Permit to authorize a 620-square foot accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel located at 213 Parchment Boulevard (Route 1142).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Applicant narrative
4. Sketch Plan
5. Floor Plan
6. Elevation
7. Proposed Resolution No. PC06-15

COUNTY OF YORK

MEMORANDUM

DATE: June 5, 2006 (PC Mtg. 6/14/06)

TO: York County Planning Commission

FROM: Earl W. Anderson, AICP, Planner

SUBJECT: Application No. UP-702-06, John M. Engbersen

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 620-square foot accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B.

DESCRIPTION

- Property Owner: John M. Engbersen Et ux
- Location: 213 Parchment Boulevard (Route 1142)
- Area: 1.22 acres
- Frontage: 182 feet along Parchment Boulevard
- Utilities: Public water and public sewer
- Topography: 20% slope rising from the southeast corner to the northwest corner, flattening out slightly to the rear of the property
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classification: R13–High Density Single-Family Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home on Drew Road (Carver Gardens subdivision) and single-family detached home on Parchment Boulevard (Callahan Village subdivision)
 - East: 2.86-acre common area parcel for Callahan Village
 - South: 1.01-acre common area parcel for Callahan Village

West: Jack Rabbit Self Storage (fronting on Merrimac Trail) and three single-family detached homes on Drew Road (Carver Gardens subdivision)

- Proposed Development: Detached garage with second floor accessory apartment and downstairs toilet and sink.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is approximately one and a quarter acres in size and occupied by a single-family detached dwelling. The parcel slopes uphill from the southeast to the northwest and has numerous trees on the southeast side due to the existence of a perennial stream and Chesapeake Bay Resource Protection Area (RPA). The proposed detached garage will be located approximately 20 feet from the RPA boundary and will be approximately 30 feet to the southeast of the single-family home. Because the property falls within the Resource Management Area overlay and the detached structure is close to the boundary for the RPA, a natural resource inventory will be required during the building plan and permit approval process.
2. The properties to the west and north are occupied single-family detached dwellings and separated from the applicant's property by a six-foot wood slat fence. The properties to the east and south are common areas for Callahan Village and are heavily wooded. To the South is the mini storage warehouse facility, which has a substantial tree buffer currently, obscuring the view of the applicant's property.
3. Accessory apartments in detached structures are permitted in the R13 district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property currently contains 1,558 square feet of floor area, such that the floor space of the apartment would equal 39% of the floor space of the principal dwelling; however, the applicant has stated he will convert the existing garage (314 square feet) to living space, bringing the future floor area of the principal dwelling to 1,872 square feet. The proposed accessory apartment would contain approximately 620 square feet of habitable floor area (see table), or 33% of the future principal dwelling unit's floor area (Note: the square footage has been rounded up). The Virginia Uniform Statewide Building Code definition of habitable space does not include areas such as, closets, stairways, and elevators; therefore, these the floor area calculations do not include these spaces. Staff has proposed conditions requiring the existing garage's conversion before the issuance of a certificate of occupancy for the apartment and also that the downstairs

Room	Habitable Square Footage
Downstairs bathroom	25
Family room	287
Bedroom	121
Kitchen	99
Hall	32
Upstairs bathroom	48
Total	612

bathroom in the proposed garage cannot be constructed to have a tub or shower. The applicant indicated in his narrative that an immediate family member would occupy the apartment as a residence.

4. The subject property can accommodate both the residential parking requirement (two spaces) and the proposed accessory apartment (two spaces). The single-family dwelling driveway has a parking area measuring approximately 10 feet in width and 40 feet in length; however, the applicant plans on removing the existing driveway and replacing it with a circular driveway that will connect to the detached garage. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas and proposed future parking areas described should accommodate four cars.
5. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
6. The property is part of the Callahan Village subdivision but is not subject to the homeowners' covenants, nor does it fall under the jurisdiction of the established Callahan Village homeowners' association.

RECOMMENDATION

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC06-15.

Attachments

- Zoning map
- Applicant narrative
- Sketch plan
- Floor plan
- Elevation
- Proposed Resolution No. PC06-15

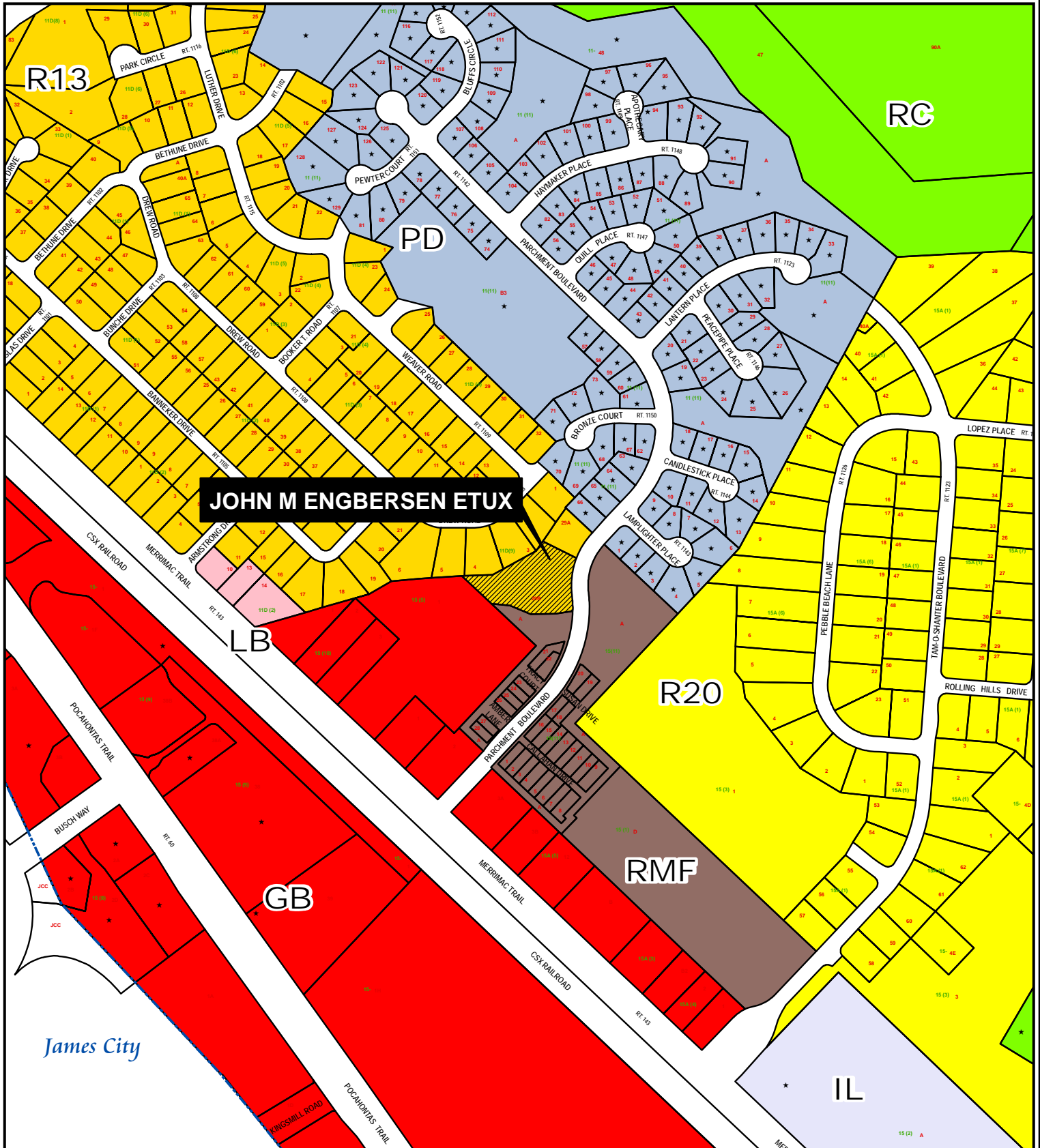
EWA

APPLICANT
John M. Engbersen

Request to construct detached garage with accessory apartment
213 PARCHMENT BLVD

ZONING MAP

APPLICATION NUMBER: UP-702-06



★ = Conditional Zoning

0 225 450 900
Feet

Printed on May 09, 2006



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

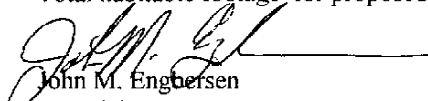
213 Parchment Blvd.
Williamsburg, VA 23185
York County

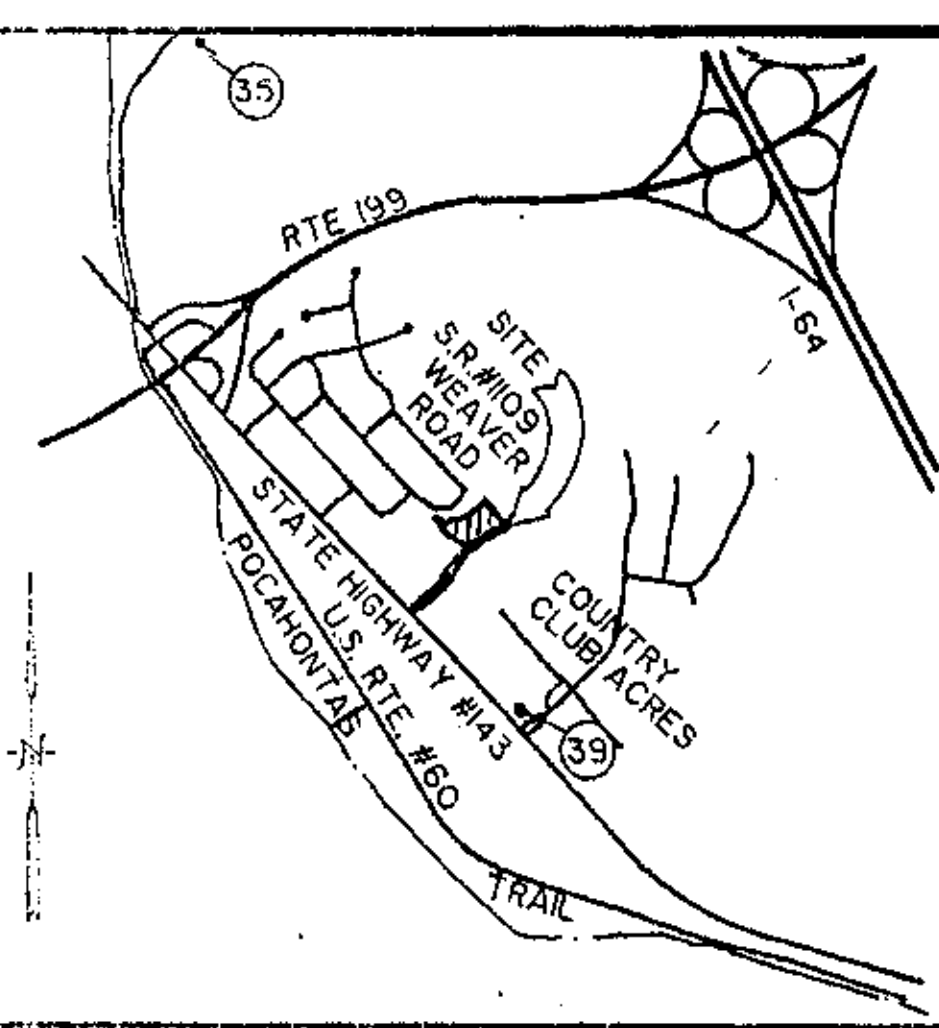
Callahan Village Duplex Lot 29B (Resub of Lot 29)
1.220 acreage

Request to construct a two story two car garage with an In-laws quarters above proposed garage.
Would enclose current single car garage on existing structure to add an additional 308 sq ft to main structure. This would add another bedroom to original structure. Total sq ft to original home would be approx 1875 from 1558.

Proposed plan would include removal of existing driveway and adding a 12ft wide circular drive to front of existing structure with a 22ft wide driveway from proposed garage to join circular drive from the left of the existing home.

Total habitable footage for proposed garage is approx 620.


John M. Engbersen
220-3365



PRIMARY GEODETIC CONTROL MONUMENTS

- (35) - A 3-1/4" DISK IN CONCRETE, APPROXIMATELY 2" BELOW THE GROUND SURFACE, STAMPED "STATION NO. 035". THE DISK IS LOCATED ON THE GROUNDS OF THE GRIFFIN-YEATES CENTER, ON ROUTE 677 (GOVERNMENT ROAD), 24.0' SOUTHEAST OF THE CENTER LINE OF ROUTE 677, 42.5' NORTHEAST OF THE FIRE HYDRANT (RED WITH WHITE CAP). COORDINATES-U.S. SURVEY FEET- 12077812.989(E) ; 3622967.181(N)
- (39) - A 3-1/4" DISK IN CONCRETE, APPROXIMATELY 1" BELOW THE GROUND SURFACE, STAMPED "STATION NO. 039". THE DISK IS LOCATED AT THE SOUTHWEST END OF THE GRASS MEDIAN ON ROUTE 1123 (TAM-O-SHANTER BOULEVARD) AT THE INTERSECTION WITH ROUTE 143 (MERRIMAC TRAIL), 23.0' SOUTHEAST OF THE CENTER LINE OF THE WESTBOUND LANES OF ROUTE 1123, 39.0' NORTHEAST OF THE CENTER LINE OF ROUTE 143. COORDINATES-U.S. SURVEY FEET-12020982.199(E) ; 3617510.523(N)

VICINITY MAP

SCALE : 1" = 2,000'

0 1,000 2,000 4,000

GRAPHIC SCALE

THE PLATTING OF THE LAND HEREON SHOWN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

V. D. DATE: 3/6/97
PRESIDENT OF TUCKER DEVELOPMENT CORP., A VIRGINIA CORPORATION - KEVIN TUCKER

STATE OF VIRGINIA TO WIT :
I, Sharon Lynne Binder, A NOTARY PUBLIC IN AND FOR THE County of York, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY JURISDICTION AFORESAID. GIVEN UNDER MY HAND THIS 6th DAY OF March, 1997.

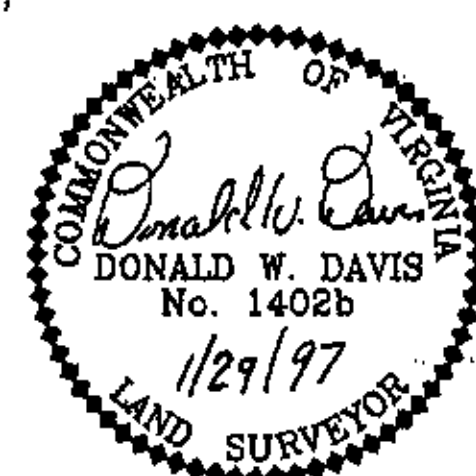
Sharon Lynne Binder
NOTARY PUBLIC

MY COMMISSION EXPIRES : August 31, 1999

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL THE REQUIREMENTS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION IN THE COUNTY OF YORK VIRGINIA HAVE BEEN COMPLIED WITH, INCLUDING A CLOSURE OF NOT LESS THAN 1'/20,000'. THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS IN THE NAME OF TUCKER DEVELOPMENT CORP., A VIRGINIA CORPORATION AND WAS ACQUIRED FROM WE CORPORATION, A VIRGINIA CORPORATION BY DEED DATED MARCH 6, 1997 AND DULY RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF YORK, VIRGINIA IN DEED BOOK 938, PAGE 42.

I CERTIFY THAT MONUMENTS AND IRON RODS AS SHOWN ON THIS PLAT WILL BE SET ON OR BEFORE JULY 1, 1997.

Donald W. Davis 1/29/97
DONALD W. DAVIS, C.L.S. DATE



UTILITY NOTES :
WATER : EACH LOT WITHIN THIS SUBDIVISION IS SERVED BY PUBLIC WATER PROVIDED BY THE CITY OF NEWPORT NEWS, VIRGINIA.
SEWER : EACH LOT WITHIN THIS SUBDIVISION IS SERVED BY PUBLIC SEWER PROVIDED BY THE COUNTY OF YORK, VIRGINIA.

TAX MAP PARCEL NO. 15-(7)-4A

NOTE : PROPERTY LOCATED WITHIN THIS SUBDIVISION IS LOCATED IN ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NUMBER 510182 0030 B.
EFFECTIVE DATE : DECEMBER 16, 1988.

NOTE : ALL CONSTRUCTION OR LAND DEVELOPMENT ACTIVITIES SHALL BE SUBJECT TO THE REQUIREMENTS OF THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (VR-173-02-01) AND SECTION 24.1-372 OF THE YORK COUNTY ZONING ORDINANCE.

NOTE : THE RECORDATION OF THIS PLAT SHALL OPERATE TO TRANSFER TO THE COUNTY OF YORK ANY EASEMENT INDICATED ON THE PLAT FOR DRAINAGE AND/OR SANITARY SEWER TO CREATE A PUBLIC RIGHT-OF-PASSAGE OVER THE SAME, UNLESS OTHERWISE NOTED ON THIS PLAT.

NOTE : DRAINAGE & UTILITY EASEMENTS CONVEYED TO THE COUNTY BY RECORDATION OF THIS PLAT SHALL BE EXCLUSIVE TO THE COUNTY, UNLESS OTHERWISE NOTED. CONVEYANCE OF SUCH EASEMENTS TO THE COUNTY ALSO INCLUDE: (i) THE RIGHT OF INGRESS & EGRESS OVER THE OWNER'S LAND ADJACENT TO THE EASEMENT AS NECESSARY TO INSPECT, MAINTAIN AND OPERATE THE COUNTY'S FACILITIES WITHIN THE EASEMENT AND (ii) THE RIGHT OF THE COUNTY TO ASSIGN TO OTHERS FROM TIME TO TIME THE RIGHT TO LOCATE FACILITIES THEREIN SERVING THE PUBLIC, INCLUDING, BUT NOT LIMITED TO, WATER, ELECTRIC, TELEPHONE, COMMUNICATIONS, AND GAS UTILITY FACILITIES.

RESUBDIVISION OF 453

LOT 29

CALLAHAN VILLAGE DUPLEXES

COUNTY OF YORK, VIRGINIA

SCALE : 1" = 50'; DATE : 29 JAN. 1997

DAVIS & ASSOCIATES, P.C.
SURVEYORS - PLANNERS

3630 GEORGE WASHINGTON

MEMORIAL HIGHWAY

SUITE "C"

YORKTOWN, VIRGINIA 23693

(757)867-8583

0 25 50 100 150
GRAPHIC SCALE

— SYMBOLS —

- DENOTES IRON ROD SET
- DENOTES IRON ROD FOUND
- DENOTES PIPE FOUND
- 30' —
30' DENOTES MINIMUM BUILDING SETBACK LINE
- 10' 20' 30' DENOTES DRAINAGE AND UTILITIES EASEMENT
- RMA DENOTES RESOURCE MANAGEMENT AREA
- RPA DENOTES RESOURCE PROTECTION AREA

APPROVED

YORK COUNTY BOARD OF SUPERVISORS

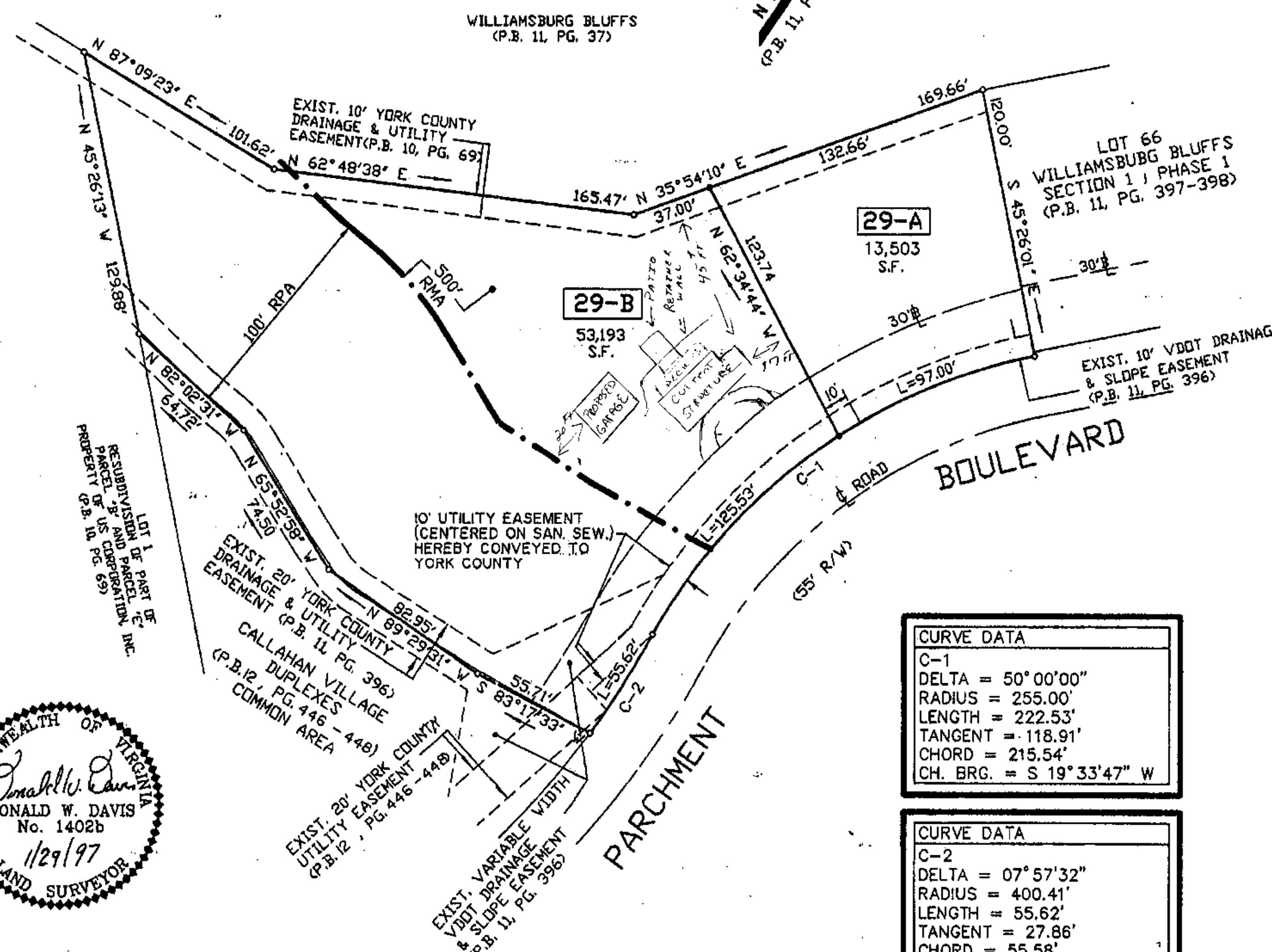
BY : John T. Clum, PE
PLAT APPROVING AGENT

DATE : 3-12-97

STATE OF VIRGINIA
COUNTY OF YORK
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF YORK THE 12th DAY OF March, 1997, THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN PLAT BOOK 121 PAGE 453.

TESTE : Nancy B. Kane
CLERK

BY : Carol D. Davis, Deputy Clerk



CURVE DATA
C-1
DELTA = 50°00'00"
RADIUS = 255.00'
LENGTH = 222.53'
TANGENT = 118.91'
CHORD = 215.54'
CH. BRG. = S 19°33'47" W

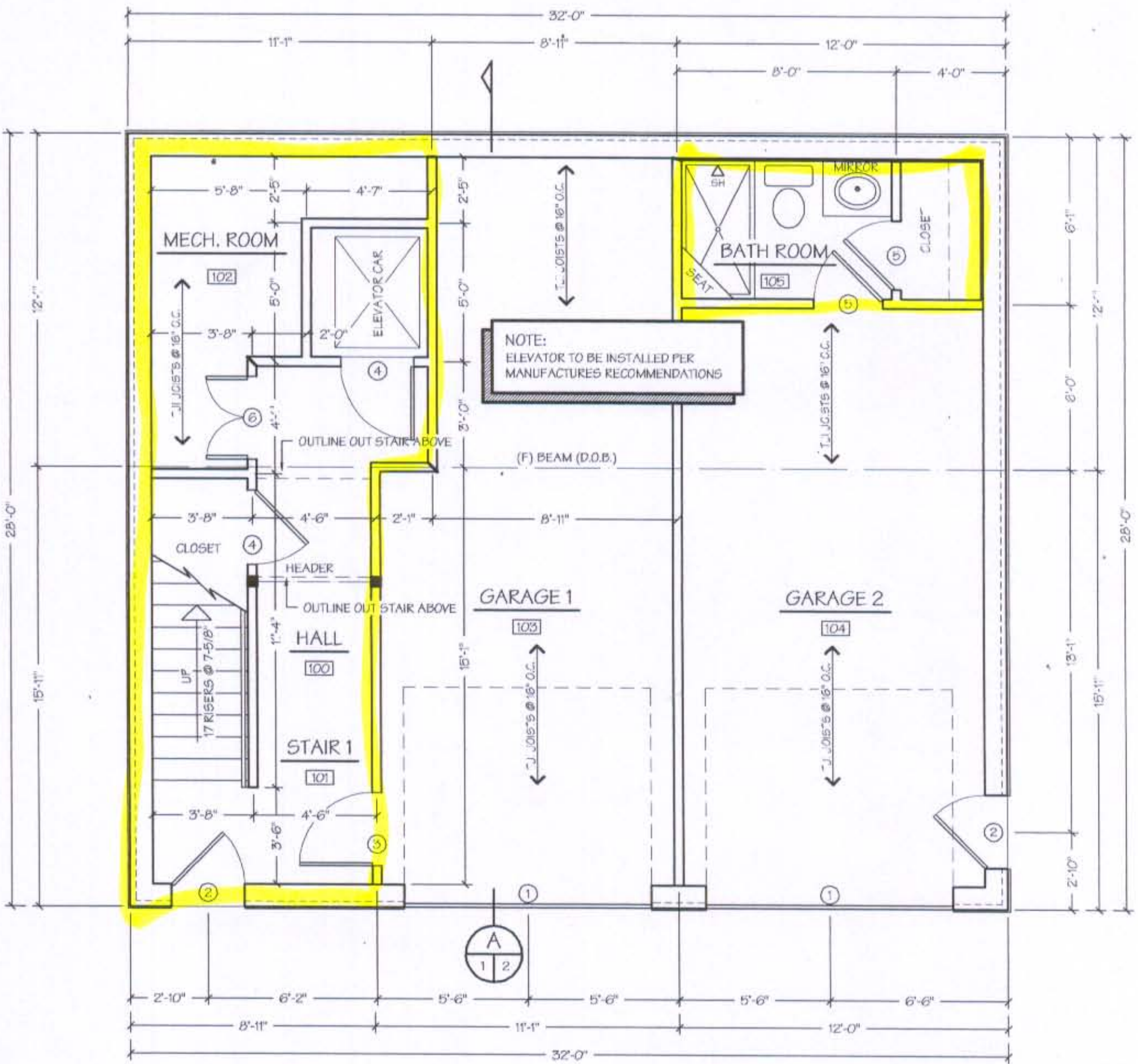
CURVE DATA
C-2
DELTA = 07°57'32"
RADIUS = 400.41'
LENGTH = 55.62'
TANGENT = 27.86'
CHORD = 55.58'
CH. BRG. = S 01°27'30" E

TOTAL SUBDIVIDED AREA : 66,696 S.F. OR 1.5311 ACRES

RECEIVED

MAY 1 - 2006

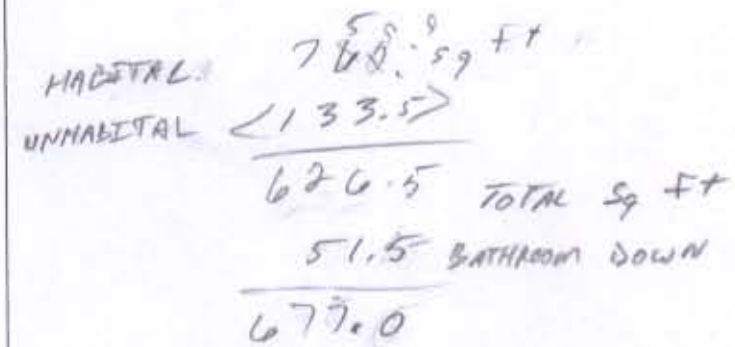
YORK COUNTY PLANNING DIVISION



LEGEND	
SYM.	DESCRIPTION
	2x4 STUD WALL
	2x4 LOAD BEARING WALLS
	CONCRETE
	ROOM NUMBER
	DOOR NUMBER
	WINDOW MARK
(TYP.)	TYPICAL
(SIM.)	SIMILAR
(D) BEAM	DROP BEAM
(F) BEAM	FLUSH BEAM
C. JOIST	CEILING JOIST
	POST
	POST (ABOVE)

GROUND FLOOR PLAN

SCALE 1/4" = 1'-0"



SCALE 1/4" = 1'-0"


Architectural drawing showing the exterior elevations and roof details of a proposed garage addition. The drawing includes the following elements:

- Roof Details:**
 - Roof Pitch: 12/12
 - Roofing: Asphalt Shingles
 - Vent: Ridge Vent
 - Overhangs: Eave Overhangs: 4"
 - Basement: 5'-0" to 10'-0" (See Section 10101.01)
- Exterior Elevations:**
 - Second Floor:** Features two windows with horizontal vinyl siding (typ.) and corner boards (typ.).
 - Garage Ceiling:** Features horizontal vinyl siding (typ.) and corner boards (typ.).
 - Proposed Garage:** Features a door with a transom window and a sloped roof with a wood finish (typ.).
 - Garage Floor:** Features a sloped roof with a wood finish (typ.).
- Dimensions:**
 - Overall Height: 24'-0" (See Section 10101.01)
 - Second Floor Height: 8'-0" to 10'-0"
 - Garage Ceiling Height: 8'-0" to 10'-0"
 - Proposed Garage Height: 8'-0" to 10'-0"
- Notes:**
 - NOTE: NUMBER OF EQUAL TREADS AND RISERS TO BE DETERMINED BY OWNER (MIN. TREAD: 11", MAX. RISE: 8 1/4")

Architectural drawing of a garage structure showing exterior elevation and dimensions. The drawing includes the following elements:

- Dimensions:**
 - Overall height: 8'-0" (8'-0" x 2')
 - Overall width: 8'-0" (8'-0" x 2')
 - Second floor ceiling: 8'-0" (8'-0" x 2')
 - Second floor: 8'-0" (8'-0" x 2')
 - Garage ceiling: 8'-0" (8'-0" x 2')
 - Garage floor: 8'-0" (8'-0" x 2')
- Structural Details:**
 - EDGE ROOF
 - 402 ASPHALT/FLYBUSH
 - 1/2" FASOA (TYP)
 - 4" DOWN OVER NO FENCE (TYP)
 - HORIZONTAL VIN SIDING (TYP)
 - CORNER BOARD (TYP)
 - STUCCO FINISH (TYP)
- Other Features:**
 - OUTLINE OF GARAGE BELOW (TYP)
 - NOTE: NUMBER OF EQUAL TRUANS AND KUSERS TO BE DETERMINED BY GRADE (MIN. TRUAD 4", MAX. KUSER 8-10")

[illegible]

<p>ALL QUESTIONS PERTAINING TO THE ARCHITECTURAL & STRUCTURAL ELEMENT SHOWN SHOULD BE ADDRESSED TO:</p> <p style="text-align: center;">JOHN ENSBERSON</p> <p style="text-align: center;">CONTACT INFORMATION</p> <p style="text-align: center;">3000 PARK BLVD PULLMAN, WA 99163 PHONE: (509) 220-5565</p>		<p>Drain By: _____</p> <p>Scale: _____ Date: 03/22/06</p> <p>AS NOTED _____</p> <p>File Name: 080714</p>	
			
<p>Drafting services provided by R.J.H. Drafting & Design, Inc.</p> <p style="text-align: center;">CONTACT INFORMATION</p> <p style="text-align: center;">R.J.H. DRAFTING & DESIGN, INC. PO BOX 3845 ALBUQUERQUE, NM 87106</p> <p style="text-align: center;">NOTES:</p> <p style="text-align: center;">1. ALL DIMENSIONS ARE IN FEET AND INCHES. FRACTIONS ARE IN 16THS OF AN INCH UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p> <p style="text-align: center;">10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.</p>			
<p style="text-align: center; color: blue; font-weight: bold;">RECEIVED</p> <p style="text-align: center; color: blue;">MAY 1 - 2006</p> <p style="text-align: center; color: blue;">YORK COUNTY PLANNING DIVISION</p>			
<p>Engerssen Residence 213 Parchment Road Garage Addition</p>		<p>Elevation 015</p> <p style="text-align: right;">VIRUS.N.A.</p>	
<p>Job Number: 06014</p>		<p>Sheet No. 3</p>	

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 213 PARCHMENT BOULEVARD

WHEREAS, John M. Engbersen has submitted Application No. UP-702-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2006, that Application No. UP-702-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137) subject to the following conditions:

1. This use permit shall authorize a the establishment of a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137).
2. The apartment shall be contained within a proposed structure to be located on the southeastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "Resubdivision Lot 29 Callahan Village Duplexes" prepared by Davis & Associates, P.C. dated January 29, 1997. The accessory apartment floor plan shall be in conformance with the floor plans and elevations submitted by the applicant titled "Engbersen Residence, 213 Parchment Road, Garage Addition, Sheets 1 through 4", except as modified herein.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
5. The habitable floor area of the accessory apartment unit shall not exceed 620 square feet.
6. The accessory apartment unit shall contain no more than one (1) bedroom and no tub or shower facilities shall be installed in the proposed ground floor bathroom depicted on the plans.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

9. Before obtaining a building permit for the proposed detached accessory apartment, the applicant must submit a site specific Natural Resources Inventory, performed in accordance with Section 23.2-6 of the County Code, field locating the 100-foot Resource Protection Area (RPA) buffer. No encroachment into the RPA buffer, for the apartment or a driveway serving it, is permitted.
10. Before the issuance of a certificate of occupancy for the accessory apartment unit, the existing principal structure's garage shall be converted to living space or the size of the proposed accessory apartment shall be reduced to comply with the 35% of principal building floor area requirement.
11. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.